

FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Flavio Ordonez Jr. 348430

(Enter above the full name of the plaintiff in this action)

V.

Dept. Of Corrections
Bayside State Prison
Tully House
John Doe officers 1-10

(Enter the full name of the defendant or defendants in this action)

COMPLAINT

Civil Action No. _____

(To be supplied by the Clerk of the Court)

CLERK
U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
RECEIVED
2022 SEP 13 A 11:00

INSTRUCTIONS; READ CAREFULLY

1. This complaint must be legibly handwritten or typewritten, signed by the plaintiff and subscribed to under penalty of perjury as being true and correct. All questions must be answered concisely in the proper space on the form. Where more space is needed to answer any question, attach a separate sheet.
2. In accordance with Rule 8 of the Federal Rules of Civil Procedure, the complaint should contain (1) a short and plain statement of the grounds upon which the court's jurisdiction depends, (2) a short plain statement of the claim showing that you are entitled to relief, and (3) a demand for judgment for the relief which you seek.
3. You must provide the full name of each defendant or defendants and where they can be found.
4. You must send the original and one copy of the complaint to the Clerk of the District Court. You must also send one additional copy of the complaint for each defendant to the Clerk. Do not send the complaint directly to the defendants.
5. Upon receipt of a fee of \$402.00 (a filing fee of \$350.00, and an administrative fee of \$52.00), your complaint will be filed. You will be responsible for service of a separate summons and copy of the complaint on each defendant. See Rule 4, Federal Rule of Civil Procedure.

6. If you cannot prepay the \$402.00 fee, you may request permission to proceed in forma pauperis in accordance with the procedures set forth in the application to proceed in forma pauperis. See 28 U.S.C. §1915. (If there is more than one plaintiff, each plaintiff must separately request permission to proceed in forma pauperis.)

7. If you are given permission to proceed in forma pauperis, the \$52.00 Administrative Fee will not be assessed. The Clerk will prepare and issue a copy of the summons for each defendant. The copies of summonses and the copies of the complaint which you have submitted will be forwarded by the Clerk to the United States Marshal, who is responsible for service. The Marshal has USM-285 forms you must complete so that the Marshal can locate and serve each defendant. If the forms are sent to you, you must complete them in full and return the forms to the Marshal.

QUESTIONS TO BE ANSWERED

1a. Jurisdiction is asserted pursuant to (CHECK ONE)

☒ 42 U.S.C. §1983 (applies to state prisoners)

☐ Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971) and 28 U.S.C. § 1331 (applies to federal prisoners)

If you want to assert jurisdiction under different or additional statutes, list these below:

1b. Indicate whether you are a prisoner or other confined person as follows:

☒ Pretrial detainee

☐ Civilly-committed detainee

☐ Immigration detainee

☐ Convicted and sentenced state prisoner

☐ Convicted and sentenced federal prisoner

☐ Other: (please explain) _____

2. Previously Dismissed Federal Civil Actions or Appeals

If you are proceeding in forma pauperis, list each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility, that was dismissed as frivolous or malicious, or for failure to state a claim upon which relief may be granted. Please note that a prisoner who has on three or more prior occasions, while detained in any facility, brought an action or appeal in a federal court that was dismissed as frivolous or malicious, or for failure to state a claim upon which relief may be granted, will be denied in forma pauperis status unless that prisoner is under imminent danger of serious physical injury. See 28 U.S.C. § 1915(g).

a. Parties to previous lawsuit:

Plaintiff(s): N/ADefendant(s): N/Ab. Court and docket number: N/A

c. Grounds for dismissal: () frivolous () malicious
() failure to state a claim upon which relief may be granted

d. Approximate date of filing lawsuit: N/Ae. Approximate date of disposition: N/A

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on separate sheets.

3. Place of Present Confinement? Hudson County Jail

4. Parties 30-35 HACKEDBACK AVE
Kearny, NJ. 07032

(In item (a) below, place your name in the first blank and place your present address in the second blank. Do the same for additional Plaintiffs, if any.)

a. Name of plaintiff: Flavio Ordonez Jr. 348430

Address: 30-35 Hackensack^{Ave}, Kearny N.J., 07032
Inmate#: 348430

b. First defendant:

Name: Department of Correction

Official position: State Department

Place of employment: 13 Stuyvesant^{Ave}, Trenton N.J., 08625

How is this person involved in the case?

(i.e., what are you alleging that this person did or did not do that violated your constitutional rights?)

Gross negligence and deliberate indifference violated my 8th and 14th Amendment right
Due to the complete failure to adhere, or comply with the C.D.C. Inter, placing
plaintiffs and other in a near death experience, during global pandemic

c. Second defendant:

Name: Bayside States prison

Official position: State entity under color of law

Place of employment: 4293 Route 47 Leeburg N.J., 08327

How is this person involved in the case?

(i.e., what are you alleging that this person did or did not do that violated your constitutional rights?)

Gross negligence and deliberate indifference violated my 8th and 14th Amendment right. Due to the
complete failure to adhere, or comply with the C.D.C. Inter, placing plaintiffs, and
other in a near death experience during global pandemic.

d. If there are more than two defendants, attach a separate sheet. For each defendant specify: (1) name, (2) official position, (3) place of employment, and (4) involvement of the defendant.

Third Defendant: Tully House

NAME Tully House

official position: Satellite Unit for Dept. of Correction

place of employment: 28 peerles place Newark NJ, 07114
How is this person involved in this case?

(i.e. what are you alleging that this person did or did not do that violated your constitutional rights?)

They did not prevent me from being subjected to further harm, more specifically advocated my transfer ~~to~~ to Rahway State Prison where I was exposed to maximum security inmates while suffering from Covid-19, placing me in more harm violating my 14th Amend. And 8th Amend Const. Right (Cruel and Unusual Punishment)
Fourth Defendant:

Name John Doe Officers 1-10

official position Correctional officers

place of employment - Hudson County Jail, 30-35 Hackensack Ave
Kearny, NJ 07032

How is this person involved in this case?

(i.e. what are you alleging that this person did or did not do that violated your constitutional right?) - violated my 14th Amendment Right -

to due process by failing to protecting my substantive due process and depriving me of equal protection under the law. They also violated my 8th Amend Right by allowing, facilitating, adhering to cruel and unusual punishment (ignoring CDC Guidelines) where I became severely ill.

5. I previously have sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in the Statement of Claims on page 6.

☒ Yes ☐ No

If your answer is "Yes," briefly describe the steps taken, including how relief was sought, from whom you sought relief, and the results.

I informed Joe Doe Correctional officers about my concerns, qualms, and fears all to no avail. Conveying to them that I need mask, hand sanitizer etc. As well as my disapproval of mixing inmates with Covid-19. I filled out medical slips all to no avail.

If your answer is "No," briefly explain why administrative remedies were not exhausted.

N/A

6. Statement of Claims

(State here as briefly as possible the facts of your case. Describe how each defendant violated your rights, giving dates and places. If you do not specify how each defendant violated your rights and the date(s) and place of the violations, your complaint may be dismissed. Include also the names of other persons who are involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach a separate sheet if necessary.)

- Approximately February of 2020, I was in Bayside state prison, and I contracted covid. During this time the prison failed to follow (C.D.C.) center of disease and control interims, or guidelines set in place to safeguard me and other similar situated. I was housed in unit 2 for 3 months covid free; And dozen inmates came to the camps from Bayside prison shortly after they arrived there was an outbreak. The entire camps were shutdown, and we were fed in our room. The camps units were shuffled around; When we ask the officers we were told, "To Build Your Immune System." But that didn't happen the outbreak became worse. I got sick February after testing positive for covid.

All we got was temp checks, No hand-Sanitiser, Disinfect, only once a week they did NO contact tracking. Officers wore mask in sports never consistent; I was sick for about 10 days. I had lost of appetite, No taste, slight fatigue and brain fog. I thought I was going to die, and I didn't get any treatment to comfort me or combat covid, everyone was ordered back to work on the last week of February. I went to BO Robinson assessment center for approx 90 days; After that I went to Tully House in Newark N.J., which is a half way house to reintegrate back into Society I was there approx (July 2021 - March 22). I began feeling the same symptoms all over except my breathing were complicated, and I had had severe back pains and joint aches; I was tested and tested positive again I was discriminated for catching covid where as I and approx. 12 inmates was sent to Rahway prison to quarantine. I was with Maximum security inmates and my status was full minimum They basically place me in further harms way; After 17 days I was sent back to Tully House, I caught a blue sheet and was sent to Northern State Prison in which, I maxed out May 3, 2022 I was found not guilty on the blue sheet.

NOTE: Referring to Tully House, There was ^{NO} medical provider or staff thought out my whole stay.

7. Relief

(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)

I am seeking \$1,000,000.00. I do not know the long haul effect this virus can cause. I am open to any and all injunctions the courts deem appropriate and necessary.

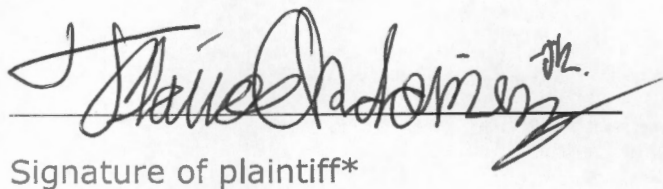
8. Do you request a jury or non-jury trial? (Check only one)

☒ Jury Trial () Non-Jury Trial

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 7TH day of September, 2022

0.9.07 2022
JUAN ZAPATA
Notary Public of New Jersey
My Commission Expires April 12, 2025


Signature of plaintiff*

(*EACH PLAINTIFF NAMED IN THE COMPLAINT MUST SIGN THE COMPLAINT HERE. ADD ADDITIONAL LINES IF THERE IS MORE THAN ONE PLAINTIFF. REMEMBER, EACH PLAINTIFF MUST SIGN THE COMPLAINT).